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the word, is offered as clothing, and the eggs are offered as purification. As for the ashes, it is the ideal pure element since fire has "removed" its tere from the wood; here it represents the man from whom "the bad force acting on his tere has been removed" (1). Whoever murders an

1. See pp. 90 ff.

animal proceeds in the samw way with the animal's hide upon which he throws cowrie shells. In both cases, the spirits absorb the tere and nyama, which add to their own forces and free the culprit.

Collective purifications are carried out on the dangu when sexual taboos regarding cultivated fields and bush are broken. The impurity [833] resulting from copulation performed outdoors is communicated to all the land belonging to the village; the trees in the bush will no longer bear fruit; the harvests will deteriorate. Formerly the two lovers [684] taken by surprise were deprived of their clothing which was burned on the dangu after they had circled the village three times starting at the left. The culprits were then banished. At present, if the plight of the fields suggests that such an act has been committed, all varieties of cultivated seeds are gathered in a basket which is placed at the cross-roads. Then, all the villagers and their domestic animals circle the village three times while sham battles take place between men mounted on horseback. After a sacrifice offered at the dangu, the seeds, thus purified, are sown.

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Offerings are made to the spirits of the crossroads at the time of sowing to invoke their protection. This ritual is obligatory for whomever sows cotton, since this seed was given to men by these spirits. The farmer places the seeds, sits down facing west, and cries out three times the name of the dangu above the seeds. He leaves three small piles in homage to the spirit along with fibers from the plant, and kills a victim before proceeding to sow his field. When the stalks are up, he cuts some boughs and returns to the place of sacrifice to sweep up the seeds, thus impregnating them with the nyama of the dangu. He then dries them, grinds, sifts, and mixes them with earth picked up on the same spot. In his field, he shouts /141/ the name of the dangu and throws the mixture with all his strength in the direction of the cardinal points, the zenith, and the ground. When the plants are mature he picks the first seven ripe seeds, brings them to the same place, and offers a sacrifice of thanksgiving.

681 survived hardly more than 15 days of this punishment. The whip was applied publicly; the lashes, whose number was fixed by the Fama, were given with either a full swing of the arm or by the forearm only. Fines had to be paid immediately, or else the condemned was held for security until his family liquidated the debt.

672 The family of a man who had committed a crime or fault was
681 held responsible and could be confiscated and sold; the confiscation of persons involved the confiscation of goods. All those who worked together under the authority of the same head could be confiscated, but not maternal uncles, paternal and maternal aunts of the culprit, nor his married relatives or those on the point of marrying. The confiscation was to the profit of the Fama who compensated the victims. Confiscation [71] of goods includes all furnishings, but not lands or dwellings.

681 Whoever was condemned to slavery had to be sold outside of the country, to the profit of the Fama. It was a practical method of ridding the land of all undesirables.

Finally, any second offender had his punishment doubled.

c. Examples of Condemnations

682 Homicides are condemned to death, but involuntary homicides
684 or cases of legitimate self-defense are excused. A murderer's ac-
685 complice is subject to the same penalty as the murderer. One who receives a criminal or stolen goods is punished in the same fashion
847 as the culprit. Rape of a child is punished by death, of a young girl by being put into irons after having paid reparations to her fiancé. A woman who puts her bastard to death will be excused, for her husband may have required her to do it; if she kills her legitimate child, she is punished by death, but not executed. A woman who has an abortion is publicly whipped; when she causes an abortion in
683 another woman, she is condemned to death. A man who usurps the
689 title of a function to which he is not entitled is put to death, as is the charlatan and the sorcerer. Theft of gold is punishable by death; theft of household objects is compensated for by a fine. If, during a brawl between two villages, a member of one village is killed, the aggrieved village designates an individual in the other village to be put to death. If there are several deaths on both side, the number of deaths in the two villages is equalized.

689 Public violation of decency is punished by death.

684 For adultery, the man is put in irons and pays a fine, the woman is whipped by her husband, her brothers, or the Fama's police. Relations with a woman in mourning draws public scorn on the guilty, while a man who commits adultery with a pregnant woman is put to death. A captive who is the lover of his master's wife is put to death.

689 Vagrant individuals are presumed to be escaped captives and are handed over to the Fama.

735 Finally, begging is authorized, because, say the Bambara, it is better to have begging than stealing.

d. Responsibility

[608] The Fama judges all his subjects, except his own sénanku whom he has judged by his tribunal. The law is applicable to every circumcised man and excised woman recognized as sane. (The demented are put in irons.) They are responsible for their acts, but the family of the guilty is also responsible. The father of an uncircumcised boy is responsible for the boy's acts, the husband for the acts of his wife, and we have seen that a man's crime may lead to the punishment of his whole family. Let us further remark that a master was judge of his slave, but when a difference arose between slaves of different houses, their case was referred to the tribunal. The tribunal also weighed the death penalty [72] when a slave committed a grave fault. Finally, the foreigner who lives in the Bambara country is judged by Bambara laws.

672 567 692 [609]

672 We must also note that the penalties apply to all crimes committed voluntarily; every infraction or damage involuntarily committed is excusable on the condition that it be immediately confessed. Thus it is that a hunter meeting a pair of lovers in the bush may kill them for outraging public decency, but must admit his crime immediately upon returning to the village.

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e. Inheritance

428 Monteil has noticed an order of succession in the Ségou region which does not correspond to that described by other authors, such as Ortoli or Aubert. In fact, at the death of the fa, "... everything that belonged to him remains undivided under the new faya of

521 831 one's eyes, the answer is almost always: "A flé bani, mousoni do, ne na d'ima, ka ké i soungourou yé. But look here, this is a girl; I will give her to you, she will be your soungourou."

521 831 576 836 And all this carelessness from the moral standpoint should not surprise us in a country where a crowd of young men greet each other even in the presence of their mothers: "I sounna ko? About the affair of your sleep? And your lovemaking at night?" "I soungourou ka kendé? How is your soungourou?"

And where young girls do not blush to say to young men: "Do me the favor that I am asking you."

"Ne na ko doumani fo i ye.

I will tell you of a sweet affair (or: conversation, shameful embraces).

"Né na ne ko doumani d'i ma.

I will give you my sweet affair (or: I give myself to you).

In short, every Bambara who awards himself the prize of virtue, avoids saying that he has respected foreign women and girls temporarily under his roof. The statement would be received with a shrug of the shoulders and a smile. He merely says: "I have respected the women and girls of the village," and he does not shout this very loud nor before everybody.

2. Concerning Adultery and Fornication

● 684 Adultery is a crime in the eyes of every Negro, and the guilty one caught in the act is brought before the council of elders and severely punished. I must state, however, that although adultery seems a serious offence to all, the crime does not lie in the satisfaction obtained. There has been a lack of fairness, the rights of a third party have been violated, and in this lies all the wrongdoing.

Caught in the act, red handed, the guilty party makes a friendly deal with the husband, who rarely asks him for more than 16,000 cowrie shells (from 15 to 20 francs) and the material for a sacrifice to the family boli, comprising perhaps two hens, a goat, two kola nuts, and between 5 to 800 cowrie shells for the sacrificer's bonus.

684 626 As long as he has not received the entire indemnity, the injured husband shouts, threatens, and attacks the guilty woman and man with his fists, but then the last cowrie shell is paid and all is quiet. Furthermore, should he be slow in calming down, his wife would most certainly run away and everyone would treat him as a boor. In fact, after having harshly rebuked the culprit and his accomplice and made them promise never to repeat the offense, the headman and elders go to the hut of the husband and say to him: "Your wife has promised not to default on her honor again, her seducer has paid the fine, so come, pardon them!" When the elders, the headman in the lead, put themselves out like this, they impose their will, and whoever does not say with them: "Kouma banna (1), the matter is settled, let us speak no

1. Kouma, "word," "talk";
banna, "is finished."

more of it," is no less than a cad.

684 695 If adultery is established but the seducer and his accomplice have not been caught, the case becomes complicated, for the accused will deny the crime. The matter is brought before the court of elders, and, the powerful boli come out of their sanctuaries and for a moment leave the goatskins which they use as tabernacles. The accusers swear on the fetish (kali, "to swear," boli la) (2), and on the basis of the

2. Kali boli la, " may the boli
kill me if I am lying."

verbal proofs that they bring testify that there has been adultery. The accused are summoned, and if they persist in denying the charge, they are commanded to swear on the fetish to attest their innocence. Quite often they refuse, /162/ and matters drag on. The suit must finally be settled, so the husband and the accusers call on the most popular fetish with the words: "An ta boli sien (1) let us sacrifice to

1. The boli sien consists of oaths
by both the accusers and the accused.

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The accusers swear: "If we are accusing falsely, may the boli kill us." The accused swear: "We are not guilty, and if we are may the boli kill us."

the boli, and may he take the life of the liar." When the council of elders has decided on the boli sien, it must be carried out. If the accused is guilty he will admit it, for to call on an idol to bear witness to a lie is to doom oneself to death, to decree one's own death. For a boli has no pity for a perjurer, and legends tell of more than one case identical to that of Ananias and Sapphira.

626 688 Some Negroes nevertheless perjure themselves. From then on they lose all peace; one fine day they can hold out no longer, and they go to find the master of the idol, and to him they confess their crime and their transgression. In order to save their lives they make 688 a gnénama fani (2), and when they have paid the fani-n-kolo (3),

2. Gnénama, "living thing," "one who lives"; fani, "throat cutting"; gnénama fani, "throat cutting for one's life."

3. Fani, "throat cutting," "sacrifice"; kolo, "cowrie shells," "price"; fani-n-kolo, "price of the sacrifice."

the staff of the fetish denounces the culprit (4).

4. A Negro who perjures himself in the presence of a fetish believes himself lost. Moreover, the boli taken as witness is the one most famous for its power in that circle, for instance, the Komo of Tigini,

688 Tjo'lna, or Kégné, and the Nama of Misango, Kokodjan, or Guendo. The Djara of Tjikoumela is very popular in Bani country. A perjured Negro offers a gnénama fani, and the fani-n-kolo is costly. For the Komo it consists of two red roosters, two goats, a dog, two red kola nuts, a basket of millet (between 18 and 20 kilograms) and three times 8 kémé (the kémé is worth 80 cowrie shells) if the culprit is a man, or four times 8 kémé if it it a woman. For the Nama the price includes a gourd of honey, two gourds of karité butter, a red hen, two red kola nuts, a basket of millet, and 8 ba (the ba is worth 800 cowrie shells, or one franc), a kémé, and a débé (120 cowrie shells). In addition these are one to two kilograms of salt and a gourd of gnama-n-kou (malagueta pepper: amomum melegueta) for the sacrificer. For the Nia the cost is 12 ba, four chickens, two dogs, and two hens.

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684 837 Adultery is frequent; it occurs daily and is the source of most of the disputes that arise. Some husbands are tolerant, however, and many are satisfied with 2 to 3 ba (between 1, 600 and 2, 400 cowrie shells, or 2 to 3 francs) and victims for a sacrifice to the family boli, such as a hen, a dog, a kid, or two kola nuts.

694 836 Like adultery, fornication is a serious offence because it violates the rights of third parties. It is less serious /163/ than adultery,

684 836 however, because the Negroes say that although the betrothed girl does not belong entirely to herself, neither does she belong entirely to her fiancé; she still retains certain rights to her own person, "à ma di ban, she has not yet been given."

684 627 When a girl becomes pregnant, she is arraigned before the family council. After a goat has been slaughtered for the family boli, she is asked the name of her partner, and if she refuses to disclose it the council of the elders is called in. She has to yield, otherwise she is tied to one of the forked sticks that support the flat terrace roof, and blows rain thick on her back.

As soon as the guilty man is named, she swears on a powerful boli (1) that she has told the truth, and the man is summoned.

1. It is almost always a Komo, a Nama, or a Kono.

Nothing is to be gained by being a perjurer; it is better to pay the fine and live. The stain on his honor is slight, and he confesses without much shame: "Tigné (that is true); né no do (it is my fault)."

The fine is between 15 and 20 francs and often between 25 and 30 francs (2), not including the sacrifice to the boli, which con-

[583] 2. The rule is that the culprit should pay the fiancé the entire bride price, or some 30 francs.

sists of two hens, two dogs, a goat, and two kola nuts. Quite often the injured fiancé has to be satisfied with the victims for the sacrifice and a small present, one to two kilos of salt, and 800 to 1,600 cowrie shells, or 1 to 2 francs. As for the child of an unmarried mother, its 847 fate is in the hands of the grandmothers, and of the father and the 848 mother, and it quite often happens that it does not cry twice in this 567 world; to use the Bambara expression: "N'a kasira, a t'na foula ké, if he has cried, he will not do it a second time." I am speaking here of a free girl, for the child of an unmarried slave girl is welcome; it is a gain for the house, and no attention is paid to the guilty man. This is easy to understand, for is there a Negro who does not abuse his slave?